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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
Sofiya Bondar, D.D.S.	:	FINAL ORDER OF DISCIPLINE
License No. 22DI02051300	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent, Sofiya Bondar, D.D.S., is the holder of License No. 22DI02051300 and was licensed to practice as a dentist in the State of New Jersey on October 21, 1998 and has been a license holder at all times relevant hereto.

2. On or about February 21, 2006, the Board sent a Uniform Penalty Letter (UPL) in Lieu of Formal Disciplinary Complaint by regular mail to respondent's address of record at 2815 Coyle Street, Apt. 210, Brooklyn, New York 11235 requesting that respondent complete the outstanding 34 credit hours of continuing education for the 2003-2005 biennial period, provide proof of completion of the required 40 credit hours of continuing education for 2003-2005, and pay a \$500 penalty. The regular mail was not

returned as undeliverable.

3. Upon receiving no response, the Board sent a letter dated May 1, 2006 to respondent's address of record by regular and certified mail with return receipt # 7006 2760 0004 8817 9443 requesting that respondent respond to the UPL. The certified mail was returned to sender marked "Unclaimed." The regular mail was not returned as undeliverable.

4. Upon receiving no response, the Board again sent a letter dated August 4, 2008 to respondent's address of record by regular and certified mail with return receipt # 7006 2760 0004 8817 9443 requesting that respondent respond to the UPL. The certified mail was returned to sender marked "Unclaimed" and "Unable to Forward". The regular mail was not returned as undeliverable.

5. On March 31, 2011, a subpoena requesting proof of completion of continuing education credits for all courses taken between November 1, 2005 and the present was sent to respondent's address of record by certified mail with return receipt #7009 0080 0000 5637 4274 with the return date of April 20, 2011. On April 6, 2011, the Board received the green certified card indicating that it was served.

6. To date, respondent has not contacted the Board and has not provided a response to the Board's inquiries.

CONCLUSION OF LAWS

Respondent's failure to respond to the Board's subpoena constituted a failure to cooperate with the Board's investigation in violation of N.J.A.C. 13:45C-1.3 (a)(1) and professional misconduct in violation of N.J.S.A. 45:1-21(h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was filed on June 1, 2011. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The POD was served upon respondent on June 1, 2011 by regular and certified mail with return receipt requested to respondent's address of record at 2815 Coyle Street, Apt. 210, Brooklyn, New York 11235. The regular mail was not returned to the Board office and the certified mail, with return receipt requested # 7005-1820-0006-1542-7381, green card was signed for. The USPS Track and Confirm Search Results for the certified mail indicate "Your item

was delivered at 4:10 P.M. on June 13, 2011 in Brooklyn, NY 11235".

Because the regular mailing of the Provisional Order was sent to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent can not evade process by failure to respond to the Provisional order.

IT IS, THEREFORE, ON THIS 10th DAY OF August, 2011
HEREBY ORDERED AND AGREED THAT:

1. The license of Sofiya Bondar, D.D.S. to practice dentistry in this State is hereby suspended until such time as respondent provides proof of required continuing education credits from November 1, 2005 to the present.

2. Upon submission of proof of required continuing education credits from November 1, 2005 to the present, the UPL issued on February 1, 2006 will be dismissed.

3. Respondent shall pay a civil penalty pursuant to N.J.S.A. 45:1-22 in the amount of \$5,000.00 for her failure to cooperate with the Board's investigation in violation of N.J.A.C. 13:45C-1.3 (a)(1) and professional misconduct in violation of N.J.S.A. 45:1-21(h). Payment of the civil penalties totaling \$5,000.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor,

Newark, New Jersey 07101 no later than thirty (30) days from the entry of this Consent Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky D.D.S.
Herbert B. Dolinsky, D.D.S.
Acting President